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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WASHINGTON

JAMES S. GORDON, JR., an individual residing in Benton County, Washington, Plaintiffs vs. IMPULSE MARKETING GROUP, INC., a Nevada Corporation, Defendants	NO. CV-04-5125-FVS DECLARATION OF FLOYD E. IVEY IN SUPPORT OF DEFENDANT'S MOTION TO RESCHEDULE OR STRIKE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
IMPULSE MARKETING GROUP, INC., Third-Party Plaintiff, vs. BONNIE GORDON, JAMES S. GORDON, III, JONATHAN GORDON, JAMILA GORDON, ROBERT PRITCHETT and EMILY ABBEY, Third-Party Defendants.	

I am counsel for Defendant herein. In preparing Defendant's LR 56.1 Response to Plaintiff's Statement of Material Facts, it became apparent that the basis for many of the facts asserted to be "Material Facts" was unknown to Defendant. Defendant, without Discovery, was unable to respond to Plaintiff's asserted LR 56.1 Material Facts 1, 2, 3, 5, 7, 8, 9, 14, 18, 19 and 20. Defendant,

Defendant's Motion to Shorten Time for Consideration of Defendant's Motion to Strike Plaintiff's Motion to Dismiss or for Clarification - 1.
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by means of initial disclosures from a prior case, was able to assert a dispute of fact of several of the asserted Material Facts. Defendant requests that discovery be allowed to be concluded preliminary to the hearing of Plaintiff's Motion for Summary Judgment.

DATED this 17th day of October, 2005.

LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE

By /s/ FLOYD E. IVEY
FLOYD E. IVEY, WSBA #6888
Local Counsel for Defendant

I hereby certify that on October 18, 2005, I electronically filed DECLARATION OF FLOYD E. IVEY IN SUPPORT OF DEFENDANT'S MOTION TO RESCHEDULE OR STRIKE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT with the Clerk of the Court using the CM/ECF System which will send notification of such filing to Douglas E. McKinley, Jr., Peter J. Glantz and Sean A. Moynihan. I hereby certify that I have served the foregoing to the following non-CM/ECF participants by other means: Bonnie Gordon, Jonathan Gordon, James S. Gordon, III and Robert Prichett. I hereby certify that I have served the foregoing to the following persons who are non-CM/ECF participants named in this lawsuit, but who have not yet been served or entered an appearance in this lawsuit by other means: Emily Abbey and Jamila Gordon.

S/ FLOYD E. IVEY
FLOYD E. IVEY

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